

## **REVISED ADMINISTRATIVE AGENDA**

June 17, 2009

### **Chief Justice Update**

Report from Justice Corrigan on Child Welfare Services

### **Approval of the Minutes**

March 4, 2009 (Opinions/CRs)

March 5, 2009 (ADMs)

March 11, 2009 (Opinions/CRs)

April 1, 2009 (Opinions/CRs)

May 12, 2009 (Opinions/CRs)

### **Items from the Public Hearing**

1. 2007-13      **Subject:** Proposed Amendment of Rule 611 of the Michigan Rules of Evidence.  
**Issue:** *Whether to adopt the proposed amendment of MRE 611 to clarify that a judge is entitled to establish reasonable standards regarding the appearance of parties and witnesses to evaluate the demeanor of those individuals and to ensure accurate identification.*  
**Status:** Passed to 6/17/09 conference from 5/12/09 for Justice Weaver to review Justice Markman's comments.
2. 2005-05      **Subject:** Proposed Amendment of Rules 2.403, 2.404, 2.410,  
2006-20      2.411, and 3.216 of the Michigan Court Rules.  
**Issue:** *Whether to authorize that the issues regarding the sufficiency of case evaluation fees, the efficacy of case evaluation, and specific review of district court case evaluation should be studied further by SCAO. Whether to adopt the remainder of the proposed rules as recommended with revision by Doug VanEpps.*  
**Status:** Passed to 6/17/09 conference from 5/12/09.
3. 2008-33      **Subject:** Proposed Amendment of Rule 2.516 of the Michigan Court Rules.  
**Issue:** *Whether to adopt the proposed amendment of MCR 2.516 that would require judges to instruct jurors that they are prohibited from using cell phones or other electronic*

*devices when they are in attendance at trial or during deliberation, and prohibited from using the devices to obtain information about the case when they are not in the courtroom. Further, the proposal would require a juror who knows or has reason to know that another juror has violated these prohibitions to inform the judge, would prohibit discussion among jurors until deliberation, and would prohibit jurors from reading or listening to news reports about the case.*

**Status:** Passed from 5/12/09 conference to 6/17/09 for further discussion.

4. 2008-35

**Subject:** Proposed Amendment of Rule 8.115 of the Michigan Court Rules.

**Issue:** *Whether to adopt an amendment of MCR 8.115 regarding the use of cell phones and other portable electronic devices in court facilities and courtrooms.*

**Status:** Passed from 5/12/09 conference to 6/17/09 for further consideration.

#### **Items Previously Discussed**

5. 2008-09

**Subject:** Proposed Amendment of MCR 3.210 (default judgments in domestic relations cases).

**Issue:** *Whether to publish for comment proposed amendments of MCR 3.210 and MCR 3.211 as recommended by the MJA.*

**Status:** Passed from 3/05/09 conference. Awaiting conference consideration.

6. 2009-06

**Subject:** Proposed Amendment of the Michigan Rules of Professional Conduct: MRPC 1.5—Fees.

**Needed materials:** Staff Report No. 1 dated 3/23/09 from Linda Rhodus; memorandum dated 3/26/09 from Linda Rhodus.

**Issue:** *Whether to publish for comment the proposed amendments of MRPC 1.5.*

**Recommended action:** *Approve for publication.*

**Status:** At conference on 4/09/09, this matter was passed for Justice Hathaway.

7. 2009-07

**Subject:** Proposed Prison Mailbox Rule.

**Issue:** *Whether to authorize a pilot project or publish for comment a proposed rule amendment to allow an application for leave to appeal in a criminal case to be deemed filed on the date of deposit of the application in the mail system at the correctional institution in which the inmate is housed (when the appeal is received after the time for appeal by right has expired and the appellant filing the application is an inmate in the custody of the Michigan Department of Corrections).*  
**Status:** Passed from 5/12/09 for revised memo from Corbin Davis. To return to conference on 6/17/09.

### **New Items**

8. 2009-06      **Subject:** Proposed Amendment of Michigan Rules of Professional Conduct MRPC 3.1 and 3.6.  
**Issue:** *Whether to publish for comment the proposed amendments of MRPC 3.1 and 3.6.*  
**Status:** Awaiting conference consideration.
9. 2009-11      **Subject:** Proposed Amendment of MCR 6.302 and 6.310 to require plea discussions to be on the record and in public (this file opened when ADM File No. 2006-16 was closed 4/13/09) and eliminate plea withdrawal following prosecutor recommendation.  
**Issue:** *Whether to publish for comment a proposal that would eliminate the ability to withdraw a plea following a judge's referral to sentence in conformance with a prosecutor recommendation in MCR 6.302 and MCR 6.310, and require that plea discussions occur on the record and in public in MCR 6.302.*  
**Status:** Awaiting conference consideration.

### **Other Matters**

10. 2009-12      **Subject:** Establishment of rules regarding open administrative conferences.  
**Issue:** *Rules of procedure to be used with regard to open administrative conferences.*
11.                **Subject:** Macomb County Probate Court Chief Judge.  
**Issue:** *Discussion regarding Macomb County Probate Court issues.*